

REMARKS

The Office Action mailed December 7, 2004 has been reviewed and carefully considered. Claim 13 has been redrafted into independent form, but not otherwise revised. Claim 14 has not been amended. Claim 25 has been canceled without prejudice. Claim 27 has been added. Claims 1, 2, 4, 7, 8, 11-16 and 26-27 are pending, of which the independent claims are 1, 8, 13 and 14. Claims 1, 8, 11 and 12 have been amended. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph, for indefiniteness with regard to the use of the word "upgrading" in different contexts.

Claim 1 has now been revised for clarity in a manner that is believed to overcome the rejection.

Claims 8, 13 and 25 stand rejected under 35 U.S.C. 102(a) as anticipated by U.S. Patent No. 6,195,511 to Harada.

Claim 13, which has now been redrafted into independent form, recites:

a host computer for converting an execution file prepared by an operator into said updated firmware; at least one personal computer coupled to said host computer for receiving said new firmware downloaded from said host computer; . . . said host computer is further operable for attaching a storage address information of said first memory means to said updated firmware

Pages 3 and 4 of the Office Action suggest that the host and personal computer of claim 13 correspond to the Harada attachment and camera, respectively. Page 4 of the Office Action suggests that the first memory means of claim 13 corresponds to Harada bank a 4. Presumably, then, the Office Action implies that the Harada attachment

attaches a “storage address information” of bank a 4, and cites lines 49-54 of column 7 of Harada for this proposition.

The passage cited by the Office Action discloses that a determination is made as to whether the rewrite instruction of the camera control program has been set “ON” (col. 6, lines 57-59; col. 7, lines 51-52) in either the loader or the control program (col. 4, lines 57-59) as a result of a comparison between the version of software in the attachment and the version of the counterpart software in flash memory 3.

Thus, the passage cited by the Office Action appears unrelated to “attaching a storage address information of said first memory means to said updated firmware.”

Moreover, Harada is silent as to the role of CPU core 6.

In any event, Harada fails to disclose, or even to suggest, that a camera attachment performs “attaching a storage address information of said first memory means to said updated firmware.”

For at least this reason, Harada fails to anticipate the present invention as recited in claim 13.

Secondly, Harada fails to disclose or suggest, with respect to bank a 4, “storing a boot program, operating codes and said operating system firmware.”

Page 4 of the Office Action cites lines 57-63 of column 4 of Harada, but this passage states that the bank a 4 is, at times, cleared, which would presumably destroy any hypothetical boot program. In any event, Harada fails to disclose or suggest “a first memory means . . . for storing a boot program, operating codes and said operating system firmware.”

For this reason, too, Harada fails to anticipate the present invention as recited

in claim 13.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 8, as amended, recites:

said firmware board being operable to receive said updated firmware, and to select between the first and second memory means such that a production-processing program operates in the selected memory means in storing the received firmware into a corresponding region of said first memory means, said selection being based on an analysis of the transmitted firmware by said production-processing program residing in said first memory means

Harada, by contrast, loads the control program into the bank b 5 (S118) based on a determination that the rewrite target is bank b (col. 7, lines 49-52). Accordingly, claim 8 distinguishes patentably over Harada. The rewording of claim 8 is supported by its former wording and by the specification (e.g., page 13, line 17 – page 14, line 8).

Claims 1, 2, 4, 7, 14, 16 and 26 stand rejected under 35 U.S.C. 103(a) as unpatentable over Harada in view of U.S. Patent No. 6,272,587 to Irons.

Claim 1 is amended merely to avoid the Section 112 rejection, and is believed to retain the same scope as before amendment.

As page 6 of the Office Action acknowledges, Harada fails to disclose the DRAM of the present claim 1; instead, FIG. 3 of Harada shows that upgrading is performed in flash memory.

The Harada FIG. 8 embodiment, on the other hand, uses a loader in RAM to store the acquired data, whereas, in the present claim 1, “the PC stores the production file in the flash memory using the production-processing program in flash memory.”

Page 6 of the Office Action cites Irons to make up the difference. However, Irons relates to cache memory “for temporarily holding the most recently accessed data”

(col. 2, lines 23-25) when “the same data is repeatedly operated upon” (lines 27-28), i.e., conventional cache memory.

It is unclear what role cache memory could play in Harada. Perhaps, the Office Action is suggesting that one of the banks 4, 5 or the RAM 2a in Harada be replaced by or supplemented with DRAM cache. The present applicant, however, is unable to see any reason for having done so, let alone any motivation for having made the modification.

For at least the above reasons, the Harada/Irons combination proposed by the Office Action fails to render obvious the present invention as recited in claim 1.

Claim 14 recites, “the production file includes a header portion containing a storage address of the flash memory, a compression state, and a booting state for the production file.”

With regard to the “storage address of the flash memory,” page 8 of the Office Action cites lines 49-51 of column 7 in Harada, which, as set forth further above, merely relate to determining whether the rewrite instruction is for the loader or the control program.

For at least this reason, Harada fails to disclose or suggest, “the production file includes a header portion containing a storage address of the flash memory, a compression state, and a booting state for the production file.”

Claims 11 and 12 stand rejected under 35 U.S.C. 103(a) as unpatentable over Harada.

Claims 11 and 12 depend from claim 8, and, as discussed above, distinguish patentably over Harada for at least the same reasons set forth above with regard to claim 8.

New claim 27, which depends from claim 8, recites features removed from claim 8 in broadening claim 8.


For the remaining rejected claims, each depends from a base claim and is deemed to be patentable for at least the same reason(s). In addition, however, each dependent claim warrants further consideration based upon its individual merits. For example, claim 26 is patentable merely by virtue of dependency from base claim 1, but, in addition, recites features which the analysis above establishes as providing an additional basis for patentability over the cited references.

In view of the foregoing amendments and remarks, it is believed that this application is now in condition for allowance. The Examiner is invited to contact the undersigned in the event of any perceived outstanding issues so that passage of the case to issue can be effected without the need for a further Office Action.

In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470.

Respectfully submitted,

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